



AGENDA

CITY OF MONTE SERENO

TUESDAY, MARCH 4, 2014

REGULAR
MEETING OF THE
CITY COUNCIL
7:30 P.M.

Monte Sereno City Council Chambers – 18041 Saratoga-Los Gatos Road, Monte Sereno, CA 95030
And via teleconference from the following location:
The Denver Post, 101 W. Colfax Ave, Denver, CO 80202

***Staff Recommendation**
Confirm Quorum

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

ORDERS OF THE DAY

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS - None

CONSENT CALENDAR (It is recommended that all items listed be acted on simultaneously unless separate discussion and/or action is required by a Councilmember or a member of the audience.) Action

1. Approve Minutes of February 18, 2014 City Council Meeting
2. Approve Warrant List
3. Award Commendation To Monte Sereno Resident Philip John Engelgau For Obtaining The Rank Of Eagle Scout
4. Consider Adoption of Resolution in Support of the Midpeninsula Regional Open Space District Bond Measure For Public Access, Open Space Preservation and Habitat Restoration

PUBLIC HEARINGS -None

UNFINISHED BUSINESS

5. Consider Appointment of Two (2) City Council Members to Serve on the Law Enforcement Services Ad Hoc Committee Action
6. Consider Appointment of Two (2) City Council Members to Serve on the Civic Facility Master Plan Ad Hoc Committee Action

NEW BUSINESS

7. Consider Adoption of A Resolution Changing City Council Meeting Start Time To 7:00 p.m. Info/Action

COMMITTEE/COMMISSION REPORTS

CITY MANAGER'S REPORT

All items on the agenda are subject to action/or change by the City Council

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (408) 354-7635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR 35.102-35.104 ADA Title II] \\Msserver2\Public\AGENDAS-WEB\2014\03-04-14AGN-CC.doc

COUNCIL MEMBER COMMENTS

ADJOURN TO CLOSED SESSION

CLOSED SESSION

- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - 1 case
Pursuant to Government Code Section 54956.9 (a) the Council Will Meet In Closed Session to Discuss Existing Litigation – Hacienda Realty, LLC; Russel Stanley v. City of Monte Sereno – Case No 112CV223767

RECONVENE TO OPEN SESSION

REPORT ON ACTION TAKEN DURING CLOSED SESSION

ADJOURNMENT



**MONTE SERENO CITY COUNCIL
MEETING MINUTES**

FEBRUARY 18, 2014

REGULAR MEETING CALLED TO ORDER

At 7:30 p.m., Mayor Craig called the meeting to order.

PLEDGE OF ALLIEGIANCE

ROLL CALL

Present: Council Members Huff, Rogers and Mayor Craig
Absent: Council Members Allan and Anstandig
Staff Present: City Manager Loventhal, City Attorney Powell, and City Clerk Chelemengos

ORDERS OF THE DAY

There were no changes made.

ORAL COMMUNICATIONS

None

WRITTEN COMMUNICATIONS

None

CONSENT CALENDAR

1. Approve Minutes of February 4, 2014 City Council Meeting
2. Approve Warrant Lists (December 20, 2013/ January 7, 2014 and February 18, 2014) in the amounts of \$133,560.31 and \$63,157.38
3. Approve Monthly Treasurer's Report of Month of January 2014
4. Approve Monthly Financial Report for Month of January 2014
3. Adopt City Council Goals for 2014

Council Member Rogers moved to approve the Consent Calendar. The motion was seconded by Council Member Huff and the motion passed (3-0) with the following roll call vote.

Ayes: Council Members Huff, Rogers and Mayor Craig
Noes: None
Absent: Council Members Allan and Anstandig
Abstain: None

PUBLIC HEARINGS - None

UNFINISHED BUSINESS

6. Update on Emergency Preparedness Training

City Manager Loventhal provided a report on the matter to the Council and answered questions from the Council.

Mayor Craig spoke with regard to dissolution of emergency preparedness council and formation of new emergency preparedness program.

7. Customer Satisfaction Survey 2013

City Manager Loventhal provided a report on the matter to the Council.

Discussion commenced. There was Council consensus for the City to continue efforts and look to other methods of improving customer satisfaction as well as ways to obtain additional feedback from those the City serves.

NEW BUSINESS

8. Appointment of Site and Architectural Commission (1 seat)

City Manager Loventhal provided a staff report on the matter.

Mayor Craig inquired if additional outreach could be done and stated that he was disappointed in the lack of interested applicants.

Several Council Members expressed hesitation in making appointments without the participation of the full Council.

Following discussion, there was consensus to direct staff to extend the recruitment deadline and to continue outreach.

COMMITTEE/COMMISSION REPORTS

The Council Members reported on the activities of their assigned Commissions/Committees.

COUNCIL MEMBER COMMENTS

Mayor Craig suggested that Council Member Comments be placed at the end of the agenda.

CITY MANAGER'S REPORT

City Manager Loventhal reported on various administrative matters.

ADJOURNMENT

At 8:40 p.m., Mayor Craig adjourned the meeting to 7:30 p.m., Tuesday, March 4, 2014 to be held in the City Council Chambers located at 18041 Saratoga-Los Gatos Road, Monte Sereno, California.

ATTEST:

Burton Craig, Mayor

Andrea M. Chelemengos, City Clerk



**CITY OF MONTE SERENO
REGISTER OF ACCOUNTS PAYABLE**

AS OF THIS DATE:
March 4, 2014

CHECK NO.		FOR	AMOUNT	ACCOUNT
14854-14869		February 2014 payroll	95,174.26	
14870	Alhambra Drinking Water	Service for February	37.55	01-710
14871	Frankie's Awards	Name badges	40.78	01-505
14872	American Planners Assoc.	Annual membership	365.00	01-745
14873	Goldfarb & Lipman Attorneys	Litigation services	969.00	01-427
14874	Allegiance Cleaning Service	Janitorial services & supplies	375.00	01-860
14875	AT&T	Long distance phone service	87.67	01-805
14876	Vavrinek, Trine, Day & Co	Auditing services rendered	18,000.00	01-480
14877	CSG Consultants, Inc	Engineering/Inspection/Code enforcement	11,776.00	VAR
14878	Silicon Valley Animal Control	4th quarter services	5,850.75	01-585
14879	San Jose Water	Service for Jan/Feb	278.66	01-705
14880	Dell Marketing L.P.	9 Desk top computers	10,652.66	01-811
14881	PG&E	Street lighting service	569.91	VAR
14882	D&M Traffic Services	Street signs	63.08	05-915
14883	McKenna Landscape	Street sign installation & Traffic safety service	6,780.00	VAR
14884*	Verizon	Post Office phone services	102.29	06-580
14885	CSG Consultants, Inc	Street rehabilitation project design	23,017.50	12-905
14886	CONTRACT Sweeping	Quarterly street sweeping	1,640.13	12-865
14887	WV Sanitation District	Semi annual Clean Water program fee	5,094.00	25-805
14888	Verizon	Local phone services	293.44	01-720
		TOTAL March 4, 2014 warrants	\$85,993.42	
		Vouchered as due February 2014 Payroll	\$95,174.26	
		GRAND TOTAL	\$181,167.68	

I, SUE L'HEUREUX, FINANCE OFFICER DO HEREBY CERTIFY THAT THE PROCEEDING ACCOUNTS HAVE BEEN CHECKED AND FOUND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

Sue L'Heureux

 SUE L'HEUREUX, FINANCE OFFICER

* Reimbursable expense

CITY OF MONTE SERENO

*Incorporated
May 14, 1957*

COMMENDATION

WHEREAS, PHILIP JOHN ENGELGAU a resident of the City of Monte Sereno, who has been a member of Troop 539, in Los Gatos, California for the past seven years, has completed all the requirements for and has achieved the rank of Eagle Scout, the highest award in Scouting, on August 22, 2013; and

WHEREAS, one requirement for advancement to the rank of Eagle Scout must be completion of a service project for a religious institution, school or community; and

WHEREAS, PHILIP'S service project involved construction of two informational kiosks in the Heintz Open Space Preserve in the Town of Los Gatos, California; and

WHEREAS, PHILIP has demonstrated his genuine concern and dedication to his community, environment and humankind through his participation in numerous school and community activities; and

WHEREAS, PHILIP is a young man whom we can all be proud to have as a resident and representative of the City of Monte Sereno.

NOW THEREFORE, I, Burton Craig, Mayor of the City of Monte Sereno, on behalf of the City Council, commend PHILIP JOHN ENGELGAU for his many accomplishments throughout his scouting career, and commend him on attaining the prestigious rank of Eagle Scout.

Date: March 4, 2014

*Burton Craig, Mayor
City of Monte Sereno*

ATTEST:

*Andrea M. Chelemengos
City Clerk*

MEETING DATE

March 4, 2014

Agenda Item #4

Resolution to be distributed or post prepared



Home / News and Notices / Potential Bond Measure

FAQ

Potential Bond Measure for Public Access, Open Space Preservation and Habitat Restoration

How is Midpeninsula Regional Open Space District (Midpen) currently funded?

Midpen was created through a voter initiative in 1972 and is funded by a property tax (1.7 cents per \$100 in assessed value or \$17 per \$100,000). Midpen also receives some grant funding.

What is this proposed funding measure?

This measure is Midpen's initiative to raise additional stable funding to open preserves, add more hiking, biking and equestrian trails, conserve additional open space areas including watersheds, redwood forests and farmlands, and to restore and protect the ecology and environment of the region.

Why is this measure being considered?

Midpen just completed a 16-month visioning project. The public helped identify 54 priority actions, including a slate of 25 highest priority regional open space projects ranging from opening preserves and building trail connections to improving water quality, protecting the coastline, restoring forestlands, and creating wildlife corridors. To complete these projects, Midpen will need an additional funding source. This is the first time in the District's 41 year history that it has gone to the voters with a request for additional funding.

When will this measure be on the ballot?

Should the Midpen Board of Directors approve the measure on February 26, 2014, it will be on the June 3, 2014 ballot, and must receive two-thirds of the vote to pass.

How will this measure secure new funding for increased trail and preserve access, land acquisition, and stewardship?

This measure will increase local property taxes by \$3.18 per \$100,000 assessed value. This revenue, by law, can only be used for capital projects to improve or increase public access, to purchase land, and to implement environmental restoration projects such as creek and waterway improvements.

How much will this measure raise for these purposes?

This measure is a general obligation bond which will raise an additional \$300 million over approximately 20-30 years.

Can this measure be spent on salaries or benefits?

Funding secured through this measure is to be used for local open space, trails, restoration projects, and land purchases. Modest funding for specialized project management to implement these projects may also be paid for through the measure's revenues.

What is a general obligation bond?

General obligation (G.O.) bonds fund real property acquisition and on-the-ground site improvements, including public facility repairs, upgrades as well as new construction projects like staging areas and additional trails. Similar to a home loan, G.O. bonds are repaid over 20 to 40 years.

How can we be sure the funds will be used responsibly?

In addition to its existing board oversight and annual audits, Midpen will create an independent citizen oversight committee to ensure that funds are spent as agreed.

Will San Mateo Coast property owners pay this tax?

In 2004, Midpen's Board of Directors said that Coastside residents would not pay a tax without a vote. If the voters pass this ballot measure, Coastside residents will pay this assessment of \$3.18 per \$100,000 assessed value.

If this passes, what will the public get out of it? How will the money be spent?

The money will be spent on the priorities established by the recently-completed public visioning process, which has included input from more than 2,000 residents via online submissions, at public workshops and through telephone surveys. A detailed project list and spending plan has been developed that emphasizes those priorities, including projects to provide:

- More public access to the preserves,
- Purchase of and protection of more open space as land becomes available,

LATEST NEWS

Vision Plan Approved

On Wednesday, January 29, 2014 the Midpeninsula Regional Open Space District Board of Directors approved its 40-year Vision Plan.

The Vision Plan includes 54 projects, including a slate of 25 highest priority regional open space projects ranging from opening preserves and building trail connections to improving water quality, protecting the coastline, restoring forestlands, and creating wildlife corridors in an increasingly urbanized region. (1/31/14)

GENERAL BROCHURES AND MAPS

Explore your Backyard [PDF](#)

District Map [PDF](#)

Explore su Patio Trasero [PDF](#)

Mapa del Distrito [PDF](#)

探索您的後花園 [PDF](#)

區域地圖 [PDF](#)

여러분의 뒷마당을 탐험해 보세요 [PDF](#)

지역구 지도 [PDF](#)

ADDITIONAL INFORMATION

Public Notices

Request for Bids

Request for Proposals

Request for Memorials

Trail Conditions



OPEN SPACE
NEWSLETTER
SIGN-UP NOW

- Protection of redwood forests, watersheds, farmland and scenic spaces,
- Restoration of creeks, streams and water sources,
- Site improvements to reduce risk of wildland and forest fires

What happens if this measure does not pass?

Midpen will continue to pursue the public's priority projects with the funding we currently have. We may not be able to take advantage of some opportunities to buy key parcels of land when they becomes available, and it will take far longer to open preserves and add trails. Important environmental restoration projects such as fisheries improvements to creeks and waterways will also be delayed.

Updated 2/6/14

MEETING DATE
March 4, 2014

REPORT TO MONTE SERENO CITY COUNCIL
Consider Appointing Two City Council Members to
Serve on the Law Enforcement Services Ad Hoc Committee

RECOMMENDATION:


Staff recommends the City Council appoint two Council members to serve on the Law Enforcement Services Ad Hoc Committee with a term ending December 2014.

BACKGROUND:

Over the last several months the City Council has had various discussions regarding the request from the Town of Los Gatos for reimbursement of overtime cost associated with the Kumra homicide.

The most recent discussion of the City Council on the issue was at their January 21, 2014 meeting. Although the Council discussed various options, the Council could not come to a consensus as two motions failed for a lack of a second vote. The Council ultimately, unanimously, voted to continue the discussion and directed the City Manager and the Mayor to meet with the Los Gatos Mayor and Town Manager to discuss the issue.

In early February, the Monte Sereno Mayor and Manager met with the Town's Mayor and Manager. At the meeting the concerns expressed by the Monte Sereno City Council during the recent discussions were reiterated. Los Gatos pointed out that the Town had appointed a Law Enforcement Services Ad Hoc Committee for the past two years. It was explained that the Committee was formed with the intent of discussing and revising the police services contract with the City of Monte Sereno. However, Monte Sereno had not provided a formal reply to their request to meet. In response, it was explained that the Monte Sereno City Council, at their recent meeting, expressed concerns over modifying the contract. In fact, a motion to modify the contract provision relating to investigation and overtime costs, failed for a lack of a second vote. Mayor Craig indicated that he would be willing to report back to the Monte Sereno City Council and request the City appoint an Ad Hoc Committee for the purposes of having a discussion with the Town about the issues involved, but that the Committee would not likely have the authority to negotiate contract revisions.



City Manager

MEETING DATE

March 4, 2014

REPORT TO MONTE SERENO CITY COUNCIL

Consider Appointing Two City Council Members to
Serve on the Civic Facility Master Plan Ad Hoc Committee

RECOMMENDATION:

Staff recommends the City Council appoint two Council members to serve on the Civic Facility Master Plan Ad Hoc Committee with a term ending December 2014.

BACKGROUND:

The City Council discussed the City Facility Master Plan process at their February 4, 2014 meeting. The staff report for the discussion summarized the past planning efforts and the opportunities for the public to provide meaningful input during that process.

The City Council subsequently conducted their annual goals setting workshop on February 9, 2014, and adopted the agreed upon goals at their February 18th meeting. The adopted goals included a goal to consider appointing a City Council Ad Hoc Committee for the Civic Facility Master Plan process. The Ad Hoc Committee, if appointed, would work with staff on developing a proposed public outreach process, review and propose revisions to the scope of the project and set forth a proposed project timeline for City Council's consideration.



City Manager

RESOLUTION NO. 1691.4

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO AMENDING RESOLUTION NO. 1691 TO AMEND THE START TIME OF THE REGULAR CITY COUNCIL MEETINGS

WHEREAS, the City Council of the City of Monte Sereno has adopted regulations and guidelines for the conduct of public meetings in Resolution Nos. 1691; and

WHEREAS, the guidelines for the conduct of public meetings were amended in October 2008 by Resolution No. 1691.1, in September 2010 by Resolution No 1691.2 and again in July 2012 by Resolution 1691.3; and

WHEREAS, the City Council desires to further amend the guidelines to change the start time of the Regular City Council meetings to 7:00 p.m.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTE SERENO that the revised document entitled "Regulations and Guidelines For the Conduct of Public Meetings" attached hereto and incorporated herein by this reference is hereby approved.

This resolution was passed and adopted by the City Council of the City of Monte Sereno regularly scheduled meeting on the 4th day of March, 2014 by the following vote:

AYES:

NOES:

ABSENT:

Approved:

Burton Craig, Mayor

Attest:

Andrea Chelemengos, City Clerk

REGULATIONS AND GUIDELINES
FOR
THE CONDUCT OF PUBLIC MEETINGS

A.

MEETINGS

1. Regular Meetings

The Council of the City Of Monte Sereno shall hold regular meetings in the Council Chambers at 18041 Saratoga-Los Gatos Road in said city on the first and third Tuesdays of each month at 7:00 p.m.

2. Special Meetings

Special meetings may be called at any time by the Mayor or a majority of the Council members by delivering personally, or by mail, written notice to each Council member, by posting the written notice personally or by mail to each local newspaper of general circulation, radio station and television station which has made written request for such notice. Such notice must be delivered and posted at least twenty-four hours before the time of such meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. Such written notice may be dispensed with, as to any Council Member who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may also be given by telegram.

3. Place

All regular and special meetings of the Council shall be held in the Council Chambers, except that any such meetings may be adjourned to such other location as the Council may from time to time determine.

4. Meetings to be Public

All regular, adjourned, and special meetings of the Council shall be open and public; provided, however, the Council may hold closed session from which the public may be excluded for the consideration of those matters permitted by the Ralph M. Brown Act (Government Code §§ 54950 et seq) to be held in closed session. No member of the Council, employee of the City, or any other person present during a closed session of the Council shall disclose to any person the content or substance of any discussion which took place during said closed session without prior authorization by a majority vote of the Council. A Council Member who is found by the Council to have made disclosure in violation of the foregoing provisions shall be subject to either or both (i) a motion

of censure, or (ii) removal from any one or more of the offices which he or she holds by reason of election or appointment by the City Council, such as Mayor, Mayor Pro Tempore, representative of the Council on an outside board or commission, or membership on a Council committee.

5. Chamber Preparation

The City Manager shall cause the Chamber doors to be unlocked at 7:15 p.m. on regular meeting nights. In addition, he or she shall cause all preparations of the Chambers and of all available public facilities for the general comfort of the audience and efficiency of the meetings.

6. Quorum

Three members of the Council shall constitute a quorum for the transaction of business. Motions may be passed by a majority if only three attend, but ordinances, resolutions granting franchises and payment of money require at least three affirmative votes. Where there is no quorum, the Mayor, Mayor Pro Tempore, or any Council Member shall adjourn such meeting, or, if no Council member is present, the City Clerk shall adjourn the meeting.

7. Agenda

An agenda shall be prepared for each regular meeting containing the specific items of business to be transacted and the order thereof. Items of business may be placed on the agenda by any Council Member, the City Manager, or the City Attorney. All reports, ordinances, resolutions, contract documents, or other matters to be submitted to the Council at their regular meeting shall be delivered to the City Clerk no later than 5:00 p.m., on the preceding Wednesday. The City Clerk shall prepare the agenda of all such matters according to the order of business, numbering each item consecutively. A complete copy of the agenda shall be addressed to each Council Member and delivered to each Council Member at City Hall and each department head so as to reach the recipient not later than 5:00 p.m. on the Friday preceding each regular Council meeting. The agenda shall be available to the public in the office of the City Clerk and posted at the prescribed places no later than seventy-two (72) hours prior to the meeting and in the Council Chambers during each meeting. During the day of the regular meeting, the City Manager shall also cause to be available for public inspection in the office of the City Clerk one or more copies of all written materials concerning the agenda items, such as is also routinely made available to Council Members. The City Manager may exclude any matters relating to personnel and litigation questions.

8. Additions to Agenda

No matters shall be finally acted upon by the City Council other than those on the adopted agenda; provided, however, items of business not appearing on the posted agenda may be considered in accordance with Government Code section 54954.2 and as it may be amended from time to time.

9. Order of Business

At the hour set by law on the day of each regular meeting, the Council Members, City Manager, City Attorney, City Clerk and such department heads as have been requested to be present, shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition in the following order:

- a. Call to Order
- b. Pledge of Allegiance
- c. Roll Call
- d. Orders of the Day
- e. Oral Communications from the Public
- f. Written Communications
- g. Consent Calendar
- h. Public Hearings
- i. New Business
- j. Unfinished Business
- k. Special Set Items
- k. Adjournment

The Mayor or a majority of the Council may change the order of business under Orders of the Day. The Council may set hearings for a specific time and, in that event, such hearings shall begin at the stated time, regardless of the order of business; otherwise, business shall be considered in the order shown above.

10. Council Member Absences

In the event a Council Member is unable to attend a City Council meeting, such Council Member shall so inform the City Manager no later than

12:00 p.m. on the Friday before the City Council meeting, unless such absence is due to an unforeseen circumstance beyond the Council Member's control.

B.

ADDRESSING THE COUNCIL

1. Right to Address Council

Every agenda for regular meetings shall provide an opportunity for members of the public to address the Council on any item of interest to the public that is within the jurisdiction of the Council. An opportunity shall be provided for public comment at any special meeting on any matter noticed to be heard at that meeting.

2. Addressing the Council at Other Times

Any interested person may request permission from the Mayor to address the Council relevant to the subject matter under consideration. The granting or denial of such a request may be appealed to the Council by a member of the Council. In the event that more than one person makes such a request on any one item of business, the Mayor may forthwith designate and declare a period of time for such addresses, and set a reasonable time limitation for it.

3. Manner of Addressing Council

Any person wishing to address the Council shall stand or raise the hand and wait to be recognized by the chair, he/she shall stand at the podium, if able, state his/her name and address for the record and proceed to address the Council. All remarks and questions shall be addressed to the Council through the chair and not to any member thereof or the public. No question shall be asked of a Council member or a member of the City staff without first obtaining permission of the Mayor.

4. Time Limitation

The Mayor or a majority of the Council may limit the time speakers may have to make oral presentations to the Council. When any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Mayor or Council to inquire whether or not the group has a spokesperson, and if so, that the spokesperson be heard, with following speakers in the group limited to facts not already presented by spokesperson.

C.

MAYOR AND MAYOR PRO TEMPORE

1. Appointment of Mayor and Mayor Pro Tempore

The Mayor and Mayor Pro Tempore shall be chosen annually by the City Council from among its members by the affirmative vote of three or more of the Council Members at the first regular Council meeting in December of each year. In the event that newly elected Council Members are seated at the first meeting in December due to the certification of the election results, the Mayor and Mayor Pro Tempore shall be chosen prior to those newly elected Council Members being seated.

2. Term of Office

The Mayor and Mayor Pro Tempore shall each hold office until his/her successor is elected and qualifies.

3. Qualifications

Any member of the Council is eligible to serve as Mayor or Mayor Pro Tempore who has not served in that position the previous year. In casting their votes for Mayor and Mayor Pro Tempore, members of the Council may consider the candidate's leadership qualities, his/her ability to conduct meetings of the Council expeditiously and fairly, and his/her willingness to represent and implement positions adopted by the Council when such positions are at variance with his/her personal views, as well as other factors as they deem pertinent, including seniority, rotation, or prior service as Mayor or Mayor Pro Tempore.

4. Mayor

The Mayor, or in his/her absence the Mayor Pro Tempore, shall be the presiding officer of the Council and shall assume his/her place and duties as such immediately following his/her election. If the Mayor is absent or unable to act, the Mayor Pro Tempore shall serve until the Mayor returns or is able to act. During such periods, the Mayor Pro Tempore has all of the powers and duties of the Mayor. In the event the Mayor Pro Tempore is absent, the Mayor shall have the right to name any member of the Council to perform the duties of the Mayor, but such substitution shall not extend beyond adjournment.

5. Authority

The Mayor shall preserve strict order and decorum at all meetings of the Council and announce its decisions on all subjects, and decide all questions of order, subject, however, to an appeal as herein as described. The Mayor shall sign all ordinances and resolutions adopted and contracts approved by the Council at meetings at which he/she is in attendance. In the event of his/her

absence, the Mayor Pro Tempore shall sign such documents as have been adopted during the meeting at which he/she presided.

D.

RULES OF PROCEDURE AND DEBATE

1. Call to Order

The Mayor, or in his/her absence, the Mayor Pro Tempore, shall take the chair at the appointed hour for the meeting, and shall call the Council to order. In the absence of the Mayor and the Mayor Pro Tempore, and the failure of the Mayor to appoint a temporary chairman, the City Clerk shall call the Council to order, whereupon a- temporary chairman will be elected by the members present. If the Mayor or Mayor Pro Tempore should arrive after the meeting is called to order, the temporary chairman shall serve until the disposal of the item during consideration of which the Mayor or Mayor Pro Tempore arrived. In no event shall the temporary chairman serve beyond adjournment.

2. Roll Call

Before proceeding with the business of the Council, the City Clerk shall call the roll of the Council Members, and the names of those present shall be entered in the minutes. Subsequent roll calls throughout the meeting shall be made in the same order except that the Mayor shall always be called last.

3. Reading of Minutes

Unless the reading of the minutes of a Council meeting is requested by a majority of the Council, such minutes may be approved without reading if the Clerk has previously furnished each Council Member with a copy.

4. Mayor May Debate and Vote

The Mayor may move, second and debate from the Chair, subject only to such limitations of debate as are by these rules imposed on all Council Members and shall not be deprived of any of the rights an privileges of Council Members by reason of his/her acting as Mayor.

5. Getting the Floor

Every person desiring to speak shall address the Chair, and upon recognition by the Mayor, shall confine him/herself to the question under debate.

6. Decorum

While the Council is in session, the Council Members and members of the public must preserve order and decorum, and no person shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council, nor disturb any Council Member while speaking, or refuse to obey the orders of the Council or of the Mayor, except as otherwise herein provided. When necessary to enforce decorum, the Mayor, subject to Council appeal, or the Council itself may order a person removed from the public meeting, or the public meeting may be closed pursuant to state law.

7. Interruptions

A Council Member, once recognized, shall not be interrupted when speaking unless called to order by the Mayor, unless a point of order or personal privilege is raised by another Council Member, or unless the speaker chooses to yield to a question by another Council Member. If a Council Member, while speaking, is called to order, he/she shall cease speaking until the question or order is determined and, if determined to be in order, he/she may proceed.

8. Points of Order

Only a Council Member may raise a point of order. Points of order shall be limited to cases where the discussion or debate on the floor does not pertain to the item of business before the Council at the time or is in violation of any of the provisions of this resolution.

9. Personal Privilege

The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questioned or where the comfort or welfare of the Council, staff and audience are concerned. A Council Member raising a point of personal privilege may interrupt another Council Member who has the floor, subject only to the power of the Mayor to call him/her out of order.

10. Call for the Question

A call for the question is a motion to halt debate on a motion before the Council. A Council Member calling for the question must receive a second to his/her motion. A properly moved and seconded call for the question must be voted on immediately and is not debatable. If the motion calling for the question passes, then the motion before the Council on which the question was called must be voted on immediately without further debate.

11. Recognition of City Staff

Members of the City staff, after recognition by the Mayor, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.

12. Conflict of Interest

Any Council Member who has a direct personal financial interest in any matter coming before the Council shall disclose said interest and shall disqualify him/herself from discussing or voting on such matter. Where it is not clear whether such interest is of a disqualifying nature, the affected Council Member may request the opinion of the City Attorney. A Council Member who is disqualified by reason of a conflict of interest in any matter shall step down from the Dias during the debate and may not participate or vote on the matter.

13. Failure to Vote

A Council Member who fails to vote without stating his/her abstention or without being disqualified shall be deemed to have cast a "yes" vote.

14. Change of Vote

A Council Member may change his/her vote only if he/she makes a timely request during the council meeting providing said change does not affect the outcome of the vote.

15. Reconsideration of Prior Action

A motion to reconsider a vote on a prior action shall be in order at the same meeting or the next following meeting. Any final action taken on a quasi judicial matter shall not be subject to a motion for reconsideration. Such motion may be made only by a Council Member who has previously voted with the majority on the matter. Tie votes shall be lost motions and may be reconsidered.

16. Robert's Rules of Order

The council may elect, by majority vote, to adopt Robert's Rules of Order as a guide to matters of procedure and rules of debate, provided, however, that no provision of Robert's Rules of Order shall be construed to supersede any provision herein or in any other ordinance of this City, if the two provisions are in conflict. If the council so decides, the Mayor shall designate a specific edition of Robert's Rules of Order to be used throughout his/her term, provided, however, that said edition is economical and readily available.

17. Failure to Observe Rules of Order

Rules adopted to expedite the transaction of the business of the council in an orderly fashion are deemed to be procedural only, and the failure to strictly observe such rules shall not affect the jurisdiction of the council or invalidate any action taken at a meeting that is otherwise held in conformity with law.

E.

MINUTES

1. Preparation of Minutes

The minutes of the council shall be kept by the City Clerk, and shall be neatly typewritten in a book kept for that purpose, with a record of each particular type of business transacted set off in paragraphs, with proper sub-heads; provided that the City clerk shall be required to make a record only of such business as was actually passed upon a vote of the council, and shall not be required to make a verbatim transcript of the proceedings, provided further that a record shall be made of the names and addresses of persons addressing the council, the title and of the subject matter to which their remarks related and whether they spoke in support of or in opposition to such matter.

2. Remarks of Council Members

A Council Member may request, through the Mayor, the privilege of having an abstract of his/her statement of any subject under consideration by the Council entered into the minutes. If the council consents thereto, such statement shall be entered into the minutes.

3. Protest Against Council Action

Any Council Member shall have the right to have the reasons of his/her dissent from or his/her protest against any action of the Council entered in the minutes.

4. Synopsis of Debate

The Clerk may be directed by the Mayor, with the consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

5. Delivery of Minutes

As soon as possible after each Council meeting, but no later than three (3) weeks after each Council meeting, barring any emergency situation, the City Clerk shall cause a copy of the minutes thereof to be forwarded to the Council

Members, the City Manager, City Attorney, and such other city agencies or persons as may be designated.

6. Tape Recordings

The City Clerk shall electronically record all Council meetings, when possible, except executive sessions, to assist City Clerk in preparation of minutes, and will retain the recording tapes at least five (5) years. The Council may order full tapes or portions thereof retained for longer periods. Said tapes shall not be an official City record, but shall be available to the public.

7. Public Access to Minutes and Tapes

At least one copy of the minutes of each Council meeting, and at least one copy of the recording tapes of each Council meeting, for said five-year period, shall be maintained by the City Clerk in such a manner as to be readily available for inspection by the citizens and taxpayers of the City of Monte Sereno or their authorized representative, subject only to whatever reasonable conditions the City Clerk may require to avoid excessive interference with City business or misuse and destruction of City property.

F.

DISCIPLINARY PROCEDURES

1. Considerations in Determining Disciplinary Action

Disciplinary action may be imposed by Council upon Council Members who have violated the Code of Ethics. Disciplinary action or sanctions are considered when a serious violation of City policy has occurred by a Council Member. In determining the type of sanction imposed, the following factors may be considered:

- a. Nation of the violation
- b. Prior violations by the same individual
- c. Other factors which bear upon the seriousness of the violation.

2. Type of Sanctions

At the discretion of the City Council, sanctions may be imposed for violating the Code of Ethics or engaging in other misconduct. These actions may be applied individually or in combination. They include, but are not limited to:

- a. Public Admonishment- A reproof or warning directed to a Council member about a particular type of behavior that violates Town policy.

- b. Revocation of Special Privileges- A revocation of a Council Member's Council Committee assignments, including standing and ad hoc committees, regional boards and commissions, community generated board/committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.

- c. Censure- A formal statement or resolution by the Council officially reprimanding a Council Member.